

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICIA ANN HALCOMB-SEGNA,

Defendant.

CR 13–80–BLG–DWM

ORDER

On August 11, 2022, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the April 21, 2022 petition for revocation of Defendant Patricia Ann Halcomb-Segna's supervised release. (Docs. 100, 109.) The petition alleged that methamphetamine and drug paraphernalia were found at the defendant's residence on April 19, 2022 (Violation No. 1), the defendant provided urine samples on April 4 and 7, 2022 that tested positive for methamphetamine (Violation No. 2), and on March 31 and April 19, 2022 the defendant failed to report for random drug testing (Violation No. 3). (*See* Doc. 100.) At the final revocation hearing on August 11, 2022, the defendant admitted

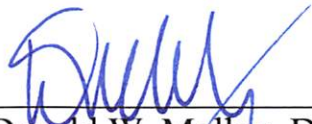
Violation Nos. 2 and 3, but not Violation No. 1. (*See* Doc. 109 at 1, 3.) Based on the admitted violations, Judge Cavan recommends that supervised release be revoked and that this Court sentence the defendant to 9 months of custody followed by 40 months of supervised release. (*Id.* at 4.) Judge Cavan also recommends: (1) that the defendant be incarcerated at FCI Pekin in Illinois, for its programming opportunities, (*id.* at 6); (2) that the defendant spend 180 days in a Residential Reentry Center following her release for custody, (*id.* at 5); and that the Court dismiss Violation No. 1 on the government's motion, (*id.* at 6).

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of her release in the manner set forth in the petition, and that Defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 109.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations, (Doc. 109), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 26th day of August, 2022.



Donald W. Molloy, District Judge
United States District Court

